Congress of the United States
Washington, DC 20515

October 1, 2019

The Honorable Mike Pompeo
Secretary
U.S. Department of State
Washington, D.C. 20520

Dear Secretary Pompeo:

We write to express our concern for human rights defenders and others in Guatemala who face serious risks after the declaration of a state of siege. We ask that you make a public statement in support of the important work of human rights defenders in Guatemala and calling for an end to the state of siege once the thirty-day period is up. The state of siege was declared by President Jimmy Morales and ratified by Guatemalan congress on September 7, to last a period of thirty days. The state of siege suspends a number of constitutional rights in six departments and twenty-two municipalities. We understand that the state of siege was declared after the killing on September 3 of three Guatemalan Marines who the Guatemala government says were shot to death as they were attempting to investigate an illegal airstrip in El Estor, Izabal.

The state of siege is the second highest state of exception that the Guatemalan government can impose, topped only by a state of war. It severely limits various constitutional rights and freedoms, including freedom of action, freedom of movement, freedom of assembly, and the right to demonstrate. It also allows security forces more freedom in arresting and interrogating suspects. According to article 138 of the Guatemalan Constitution, limitation of rights is permissible when there is an invasion of national territory, serious disturbance of the peace, activities against the security of the State, or public calamity.

Our concern is for the safety of those legitimately working in defense of human rights, as well as those carrying out their responsibilities in related fields, such as the administration of justice. In his September 4 press conference calling for a state of siege, President Morales referred to "pseudo-human rights defenders" and "pseudo-campesinos" and said "the Government of Guatemala repudiates the actions carried out by people who shield themselves in flags of pseudo-defense of human rights." By implication, President Morales suggested human rights defenders might be linked with narcotrafficking or even the killings of the soldiers.

We encourage you to request President Morales to ensure a full and thorough investigation into the deaths of the soldiers and the prosecution of those responsible. Accusations linking human rights defenders with criminal activity endangers them. Already, two human rights defenders have been killed since the state of siege was declared. Diana Isabel Juarez, coordinator of the Environmental Ministry of Parish if Suchitepequez, was shot to death on the evening of

September 7 by assassins in a passing car. On September 14, indigenous human rights defender Paulina Cruz Ruiz, a Maya Achi' ancestral authority, was shot to death near her home in Rabinal, Baja Verapaz, by four men who opened fire without a word. Although these defenders were not in an area covered by the state of siege, President Morales' speech calling into question the legitimacy of defenders may have exposed them to further risk.

We urge you to call for adherence to the rule of law and respect for basic human rights in municipalities where a state of siege has been implemented. We encourage you to make a public statement recognizing the important work of human rights defenders in building a stable, equitable, and safe society; and we implore you to call for an end to the state of siege once the thirty-day period is up as well as the protection of those who have appealed the legality of the state of siege to the Constitutional Court, as well as the Constitutional Court judges.

The state of siege impedes the work of human rights defenders, with its curfew and its prohibition on meetings, and thus endangers all of those whom defenders work to protect. International human rights organizations have also had to suspend their important work in areas covered by the state of siege. Transparency and accountability suffer under such circumstances, opening the way for more violations of rights.

The Office of the High Commissioner on Human Rights (UNHCHR) of Guatemala has expressed concern about possible attacks on defenders during the state of siege and has publicly reminded the government of Guatemala of its obligation to guarantee the right to defend human rights and to ensure the human rights defenders' protection. The UNHCHR said it had received reports about stigmatizing messages, hate speech, and defamation directed at various campesino organizations. The UNHCHR mentioned specifically the Campesino Unity Committee (CUC) and the Campesino Development Committee of the Highlands. The UNHCHR also mentioned the Defensoría Quechi, the Guillermo Toriello Foundation, and Reverend José Pilar, a Lutheran pastor defending the forests of the La Granadillas mountains in Zacapa. The Inter-American Commission on Human Rights in its 2018 annual report noted the baseless criminal charges brought against indigenous defenders in El Estor who oppose the operations of the Guatemalan Nickel Company. Defenders in El Estor remain at risk.

We call on the government of Guatemala to fulfill its obligation to protect all human rights defenders in Guatemala, including indigenous rights defenders, judges, journalists, and others who work to ensure a strong society compliant with the rule of law.

Sincerely,

Raúl M. Grijalva
Member of Congress

Ilhan Omar
Member of Congress

Alan Lowenthal
Member of Congress

Eleanor Holmes Norton
Member of Congress

Jan Schakowsky
Member of Congress

Mark Pocan
Member of Congress

Donald Payne Jr.
Member of Congress

James P. McGovern
Member of Congress

Jamie Raskin
Member of Congress

José Serrano
Member of Congress

Adriano Espaillat
Member of Congress

Zoe Lofgren
Member of Congress

Betty McCollum
Member of Congress

Ro Khanna
Member of Congress

Deb Haaland
Member of Congress

Rashida Tlaib
Member of Congress